

Steven S. Kane, Esq., SBN: 061670  
Bonnie E. Kane, Esq., SBN: 167700  
**THE KANE LAW FIRM**  
402 W. Broadway, Suite 2600  
San Diego, CA 92101  
Telephone: (619) 236-8700  
Facsimile: (619) 236-1370  
E-mail: skane@thekanelawfirm.com  
E-mail: [bonnie@thekanelawfirm.com](mailto:bonnie@thekanelawfirm.com)

Attorneys for ROSEMARY TIEDEMAN

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

<i>In re:</i>	) <b>Case No. 19-30088 (DM)</b>
PG&E CORPORATION	) Chapter 11
-and-	) (Lead Case)
	) (Jointly Administered)
PACIFIC GAS AND ELECTRIC	) <b>MOTION PURSUANT TO FEDERAL</b>
COMPANY	) <b>RULE OF BANKRUPTCY PROCEDURE</b>
Debtors.	) <b>9006(b)(1) TO DEEM ROSEMARY</b>
	) <b>TIEDEMAN'S CLAIM TIMELY FILED</b>
<input type="checkbox"/> Affects PG&E Corporation	) Date: February 15, 2022
<input type="checkbox"/> Affects Pacific Gas & Electric	) Time: 10 a.m.
<input checked="" type="checkbox"/> Affects Both Debtors	) Place: <b>To Be Held Telephonically</b>
	) United States Bankruptcy Court
	) Courtroom 17
	) 450 Golden Gate Avenue
	) 16 <sup>th</sup> Floor
<i>All papers shall be filed in the Lead Case,</i>	) San Francisco, CA
<i>No. 19-30088 (DM)</i>	) Judge: Honorable Dennis Montali

**Objection Deadline: February 8, 2022**

Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, Claimant Rosemary Tiedeman moves for an order expanding time to file Proof of Claim, and allow, Claim Number (not yet assigned), that was filed on January 3, 2022, with Prime Clerk and submitted with this motion as "Exhibit A", to be considered timely filed.

1 I.

2 **SUMMARY OF ARGUMENT**

3 Under the flexible standard for excusable neglect, Rosemary Tiedeman's claim should be  
4 allowed.

5 Rosemary Tiedeman, due to her mental state and not being present in California, was  
6 unaware of the claim process. Under the factors in the United States Supreme Court case of  
7 *Pioneer Investment Services v. Brunswick Associated Ltd. Partnership* 507 U.S. 380 (1993), the  
8 circumstances of this case clearly present excusable neglect. In following *Pioneer*, the Ninth  
9 Circuit found that even when experienced counsel failed to calendar an appellate deadline with no  
10 extraneous circumstances, a finding of excusable neglect was proper. *Pincay v. Andrews* 389  
11 F.3d 853, 859 (9<sup>th</sup> Cir. 2004). This case presents no prejudice to the Debtors, no delay to the  
12 judicial administration of this case, and is made in good faith. Rather, to deny this claim would  
13 work a severe injustice to the Claimant, which must be considered. *Id.*

14 II.

15 **PROCEDURAL BACKGROUND**

16 On January 29, 2019, the Debtors, PG&E Corporation and Pacific Gas and Electric  
17 Company ("Debtors") filed a voluntary Chapter 11 Petition. *See* Dkt. 1. On July 2, 2019, the  
18 Court entered an order establishing October 21, 2019 ("the bar date") as the deadline for Fire  
19 Victim claimants to file proofs of claim in this bankruptcy. *See* Dkt. 2806. That deadline was  
20 extended to December 31, 2019("the "extended bar date."). *See* Dkt. 4872.

21 III.

22 **FACTUAL BACKGROUND**

23 Rosemary Tiedeman suffered significant losses to include the loss of her home, all of her  
24 personal belongings and emotional distress as a result of the Camp Fire. Rosemary Tiedeman left  
25 the state of California in a state of severe psychological condition and never came back.  
26 Rosemary Tiedeman was unaware of the claim process until recently. Immediately upon  
27 discovering this, she retained counsel and is prepared to file a claim. *See* Exhibit "A."

1 IV.

2 ARGUMENT

3 The time in which to make claims in a Chapter 11 Bankruptcy may be extended by motion  
4 based on excusable neglect. Federal Rules of Bankruptcy Procedure, Rule 9006(b)(1) provides:

5 (b) Enlargement.

6 (1) *In general.* Except as provided in paragraphs (2) and (3) of this subdivision,  
7 when an act is required or allowed to be done at or within a specified period by  
8 these rules or by a notice given thereunder or by order of court, the court for cause  
9 shown may at any time in its discretion (1) with or without motion or notice order  
10 the period enlarged if the request therefor is made before the expiration of the  
11 period originally prescribed or as extended by a previous order or (2) **on motion  
made after the expiration of the specified period permit the act to be done  
where the failure to act was the result of excusable neglect.**

12 Fed R. Bank. Proc. 9006.(b)(1). *Emphasis supplied.*

13 Determination of excusable neglect has been interpreted by the United States Supreme  
14 Court as an equitable consideration.

15 “We conclude the determination at bottom an equitable one, taking account of all relevant  
16 circumstances surrounding the party’s omission. These include . . .the danger of prejudice  
17 to the debtor, the length of the delay and its potential impact on judicial proceedings, the  
18 reason for the delay, including whether it was within the reasonable control of the movant,  
19 and whether the movant acted in good faith.”*Pioneer Inv. Servs v. Brunswick Assoc.*  
20 *Ltd.P’ship*, 507 U.S. 380, 395 (1993)

21 Here, there is no danger of prejudice to the Debtors. Where the claim does not disrupt the  
22 distribution process, no prejudice will result. *In re Sacred Heart Hosp.* 186 B.R. 891, 897.  
23 (“Exactly how the debtor’s assets are distributed is ultimately of little consequence to the  
24 debtor, so long as the claim is not filed so late as to disrupt the distribution process.”)

25 Further, the delay is not significant. The Trust has only completed determinations on  
26 approximately 38% of all claims. Allowing the late claim will not delay the proceedings. *See*  
27 Declaration of Rosemary Tiedeman.

28 The reason for the delay in filing a claim was that Rosemary Tiedeman simply was  
unaware of the process due to her psychological medical condition and not living in California.  
Excusable neglect will be found even where sophisticated attorneys miss a deadline. *ZILOG, Inc.*  
*v. Corning (In re ZILOG, Inc.* 450 F.3d 996, 1006). The case for excusable neglect is even more  
compelling when the mistake was made by an unrepresented layperson. *Id.*

1 Further, Rosemary Tiedeman acted in good faith. Her failure to file was not based on  
2 litigation tactics where a party deliberately misses a deadline to gain advantage. *Venice Baking*  
3 *Co. v. Sophast Sales &Mkg. LLC* 2016 U.S. Dist LEXIS 141533. (This factor alone weighs  
4 against finding excusable neglect even when the other *Pioneer* factors are present).

5 And, finally, the likelihood of injustice is great, if this claim is not permitted. Mrs.  
6 Tiedeman is a Camp Fire victim whose only avenue for compensation is through this bankruptcy.  
7 This is a factor which was properly considered by the Court in *Pincay, supra*, 389 F.3d at 859.

8 V.

9 **CONCLUSION**

10 For all of the above reasons, the motion should be granted, and Mrs. Tiedeman's claim  
11 should be allowed to be deemed timely.

12 Dated: January 5, 2022.

Respectfully submitted,

13 THE KANE LAW FIRM

14 By: /s/ Bonnie E. Kane

15 BONNIE E. KANE

16 Attorneys for ROSEMARY TIEDEMAN  
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